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## STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

## BEFORE THE BOARD OF MARINE PILOTS

In the Matter of:

Robert K. Nerup

Respondent.

Case No. 1990-95-001

ORDER OF SUMMARY SUSPENSION

In accordance with AS 08.01.075(d), AS 08.62.150, and AS 08.62.155 the Alaska State Board of Marine Pilots (Board) finds that the Respondent's continued licensure as a state marine pilot poses a clear and immediate danger to the public health and safety. Therefore, the Board hereby orders the summary suspension of Robert K. Nerup's Alaska Marine Pilot License, No. AA 83.

This order is entered following a telephonic review by the Board of the Petition for Summary Suspension and supporting affidavit submitted by the Division of Occupational Licensing. This order is effective immediately.

DATED this 6th day of July, 1995, at Juneau, Alaska.

*John Klapper*  
Capt. John Klapper  
Chairman, Board of Marine Pilots

STATE OF ALASKA  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
DIVISION OF OCCUPATIONAL LICENSING  
P.O. BOX 11008  
JUNEAU, ALASKA 99811-0008

ORDER OF SUMMARY SUSPENSION

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STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BEFORE THE BOARD OF MARINE PILOTS

In the Matter of:

Robert K. Nerup

Respondent.

Case No. 1900-95-001

PETITION FOR SUMMARY SUSPENSION

Catherine A. Reardon, Director, Division of Occupational Licensing (Division), hereby petitions the Alaska State Board of Marine Pilots (Board) to summarily suspend Marine Pilot License No. AA 83 held by Robert K. Nerup (Nerup).

This petition is filed pursuant to AS 08.01.075(c), AS 08.62.150, and 08.62.155, which provide that the Board may summarily suspend a professional license before a hearing is held if the Board finds that "the licensee poses a clear and immediate danger to the public health and safety." The Division asserts that the facts recited in the affidavit of the Marine Pilot Coordinator, attached to this petition, demonstrate that the continued licensure of Nerup would pose a clear and immediate danger to the public health and safety.

COUNT I

Nerup displayed a lack of requisite knowledge and skill in the performance of the pilotage duties aboard the M/V STAR PRINCESS on June 23, 1995 by failing to safely navigate the

PETITION FOR SUMMARY SUSPENSION

vessel while it was under his direction and control, grounding the STAR PRINCESS on Poundstone Rock, a charted and well-marked shoal, endangering human life, property, shipping and the marine environment. He was thus incompetent in his pilotage duties in violation of AS 08.62.150(1) as defined by 12 AAC 56.990(2) and AS 08.62.157.

### COUNT II

In 1988, the Board placed Nerup's state marine pilot license on probation for two years, as the result of two marine casualties in Hobart Bay, Alaska. Nerup was prohibited from piloting vessels in Alaska for 18 months during 1987-1989, and he was required to complete additional training in shiphandling skills. Nerup's license was suspended for six months in December, 1992, as the result of a collision between two vessels near Skagway, Alaska. Nerup also was required to attend remedial training in shiphandling skills, "rules of the road," and the operation of radar. The grounding of the M/V STAR PRINCESS on June 23, 1995, indicates that Nerup lacks the knowledge, skills, and judgment needed to safely navigate vessels under his direction and control as required by AS 08.62.157; he is thus incompetent to carry out his pilotage duties, in violation of AS 08.62.150(1).

For all of these reasons, Robert K. Nerup's continued licensure as a marine pilot in the State of Alaska poses a clear and immediate danger to the public health and safety, and his

PETITION FOR SUMMARY SUSPENSION

1  
2 marine pilot license should be summarily suspended.

3 DATED this 5th day of July, 1995, in Juneau, Alaska.

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6 Catherine A. Reardon, Director  
7 Division of Occupational Licensing  
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STATE OF ALASKA  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
DIVISION OF OCCUPATIONAL LICENSING  
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PETITION FOR SUMMARY SUSPENSION

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STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BEFORE THE BOARD OF MARINE PILOTS

In the Matter of: )

Robert K. Nerup )

Respondent. )

Case No. 1900-95-001

AFFIDAVIT OF DANIEL C. TWOHIG

I, Daniel C. Twohig, do hereby swear and affirm:

1. I am the Marine Pilot Coordinator for the State of Alaska. My duties include the investigation of reported violations of the Alaska Marine Pilotage Act.

2. On June 23, 1995, at approximately 0300 I received a phone call from the United States Coast Guard indicating that a cruise ship, the M/V STAR PRINCESS, had run aground on Foundstone Rock near Juneau, Alaska. The Coast Guard offered to allow me to accompany the investigators responding to Auke Bay, where the ship was on its way to anchor.

3. At the time of my arrival on the STAR PRINCESS in Auke Bay (approximately 0330), the vessel was anchored, and in a state of progressive flooding. I learned that the two state-licensed marine pilots aboard the vessel were Ronald Kutz (Kutz) and Robert K. Nerup (Nerup). Kutz had stood the earlier watch; he was relieved by Nerup at approximately 0045 and left the bridge. At that time, the ship was completing a turn in Lynn

1  
2 Canal (this was a delaying maneuver, designed to allow the  
3 vessel to arrive at Juneau on schedule).

4 4. Upon my arrival on the bridge of the vessel, I  
5 learned that Nerup had been at "the conn" of the STAR PRINCESS  
6 at the time of the grounding on Poundstone Rock.

7 5. I directed both pilots to provide breath and  
8 urine specimens for analysis for the presence of alcohol or  
9 controlled substances. Both pilots complied with this  
10 directive: the results of the tests for alcohol were negative,  
11 the results of the controlled substances tests have not yet been  
12 received.

13 6. Based upon my preliminary investigation of this  
14 grounding, I have determined that the STAR PRINCESS was  
15 southbound enroute Juneau from Skagway at approximately 0114.  
16 The weather at the time was good; seas were calm and visibility  
17 was good. All aids to navigation in the area were visible. The  
18 ship was entering the passage between Poundstone Rock and  
19 Sentinal Island. This passage is over one-half mile wide.  
20 Poundstone Rock is clearly marked by a lighted buoy with the  
21 characteristic of group flashing "2 plus 1 Red". This  
22 characteristic indicates that the preferred channel is to the  
23 west of the buoy. The STAR PRINCESS was proceeding to the east  
24 of the buoy, a course commonly taken by cruise ship traffic in  
25 this area.  
26

1  
2  
3 7. At this same time, the M/V FAIR PRINCESS was  
4 proceeding northbound from Juneau and entering the passage  
5 between Poundstone Rock and Sentinal Island from the South. The  
6 FAIR PRINCESS was under the direction of state-licensed marine  
7 pilot Keith Douglas. There were no communications between the  
8 two meeting ships, and no passing arrangements were made for  
9 meeting in the channel.

10 8. Three fixes were plotted on the ship's chart by  
11 the mates on watch in the minutes prior to the grounding. A  
12 line drawn from the second fix to the third, and extended  
13 towards the passage between Poundstone Rock and Sentinal Island,  
14 indicates the extended track's close proximity to Poundstone  
15 Rock. Nerup did not direct the ship's crew to advise him of the  
16 fixes they took, nor did he himself look at the ship's chart to  
17 see the location of these plotted fixes.

18 9. Before entering the passage between Poundstone  
19 Rock and Sentinal Island, Captain Nerup had set the bow radar's  
20 electronic bearing line on 156 degrees true. This action was  
21 designed to provide a turn bearing off of the Poundstone Rock  
22 buoy to the ship's next course of 156. The upper left-hand  
23 corner of the ship's chart contains the following standard  
24 warning in red: "The prudent mariner will not rely solely on  
25 any single aid to navigation, particularly on floating aids."

26 10. To enter the passage between Poundstone Rock and  
Sentinal Island, Nerup ordered a turn to a new course of 156

1 degrees true, and moved to the forward centerline of the ship to  
2 observe the passing of the FAIR PRINCESS. Captain Nerup did not  
3 look at the radar again until after the grounding, nor did he  
4 direct the ship's crew to provide any navigational information  
5 to him regarding the ship's position while approaching or  
6 passing Poundstone Rock.  
7

8 11. From his position on the centerline of the ship,  
9 and using only visual estimates, Nerup ordered a change in  
10 course to 153 degrees true. This course was held until the time  
11 of the grounding. The starboard side of the STAR PRINCESS's  
12 keel struck Poundstone Rock, tearing at least two holes in the  
13 vessel's double bottoms. An unknown quantity of fuel and stern  
14 tube oil was spilled into Lynn Canal. The ship slowly  
15 proceeded, under its own power, to anchor in Auke Bay to assess  
16 the damage and evacuate the passengers.

17 12. The M/V STAR PRINCESS is a 63,000 gross-ton  
18 passenger vessel of Liberian registry. At the time of the  
19 grounding it was carrying more than 1,500 passengers and 630  
20 crew members, and approximately 400,000 gallons of fuel. The  
21 ship is now in a shipyard in Portland, Oregon. Repairs to the  
22 STAR PRINCESS are expected to take at least a month, and to cost  
23 over \$20 million.

24 13. The United States Coast Guard Cutter the WOODRUSH  
25 checked the position of the Poundstone Rock lighted buoy on the  
26 morning of June 23, 1995, approximately 10 hours after the



1  
2 grounding. The Coast Guard found that the buoy was "on station"  
3 (within its designed positioning tolerance of 150 yards).

4 14. The safe channel between Poundstone Rock and  
5 Sentinel Island has a depth in excess of 80 fathoms. Nerup did  
6 not check the echo sounder at any time approaching or during the  
7 transit of the channel. At the time of the last fix taken by  
8 the ship's crew before the grounding, the ship was crossing the  
9 50 fathom curve, and moving into shallower water.

10 15. Division records indicate that Robert K. Nerup is  
11 currently licensed as an Alaska Marine Pilot in the Southeast  
12 Alaska Pilotage Region (Region 1); he holds License No. AA 83.  
13 This license was first issued on December 9, 1980, and is due to  
14 expire on December 31, 1996.

15 16. On November 2, 1988, the Board approved a  
16 stipulation negotiated by Nerup, through counsel. The  
17 stipulation ended a license action based upon the collision of  
18 a ship under Nerup's pilotage (the M/V DOGA) with a stationary  
19 log boom in Hobart Bay, Alaska in March of 1987, and the  
20 grounding of another vessel under Nerup's pilotage (the M/V  
21 RANIER) in Hobart Bay in April of 1987. As a result of the  
22 stipulation, Nerup agreed to "not function as a marine pilot in  
23 the waters of the State of Alaska during the period October 1,  
24 1987, through May 29, 1988, and during the period from October  
25 15, 1988 through May 15, 1989." Nerup's state marine pilot  
26 license was placed "on probation" from October 1, 1987, through

1  
2 September 30, 1989. He was also required to observe four  
3 dockings and four undockings at Hobart Bay performed by other  
4 licensed marine pilots.

5 17. On December 2, 1992, the Board approved a  
6 Settlement Agreement negotiated by Nerup, through counsel. This  
7 agreement settled a license action pending against Nerup as a  
8 result of a collision between the M/V ISLAND PRINCESS, under  
9 Nerup's pilotage, with another cruise ship, the M/V REGENT SEA,  
10 near Skagway, Alaska on May 27, 1991. This collision caused  
11 damage to both vessels, and injuries to passengers. As a result  
12 of the agreement, Nerup's state marine pilot license was  
13 suspended for a period of six months. Nerup was also required  
14 to successfully complete a one-day U.S. Coast Guard approved  
15 radar operator school, a two-week shiphandling and navigation  
16 course, and a 50-question "rules of the road" examination.  
17 Nerup was also placed on probation for one year.

18 18. Nerup is a member of the Southeast Alaska Pilots  
19 Association (SEAPA). Nerup has indicated that he will not  
20 remove himself from eligibility for dispatch as a marine pilot  
21 for any period during the continuing investigation of the  
22 grounding of the STAR PRINCESS. Until the Board acts on this  
23 petition for summary suspension, Nerup remains eligible for  
24 dispatch by SEAPA as a state marine pilot aboard vessels of any  
25 tonnage within the compulsory pilotage waters of the state in  
26 Region 1.

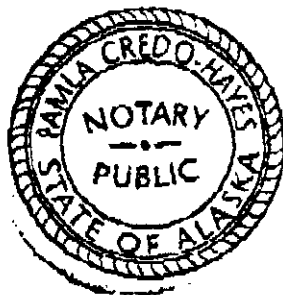
12:21

19. Based upon my preliminary investigation, and in my professional judgement as Marine Pilot Coordinator for the State of Alaska, Robert K. Nerup's actions aboard the STAR PRINCESS on June 23, 1995 displayed a lack of requisite knowledge and skill in pilotage duties. He exercised his pilotage duties aboard the STAR PRINCESS in a manner which endangered life, property, and the marine environment. Robert Nerup's continued licensure as a marine pilot poses a clear and immediate danger to the public health and safety.

Further affiant sayeth naught.

*[Signature]*  
Daniel C. Twonig  
Marine Pilot Coordinator

SUBSCRIBED and SWORN to before me this 5th day of July, 1995, at Juneau, Alaska.



*[Signature]*  
Notary Public, State of Alaska  
My Commission Expires: 8/1/96

STATE OF ALASKA  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
DIVISION OF OCCUPATIONAL LICENSING  
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STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT


BEFORE THE BOARD OF MARINE PILOTS

In the Matter of: )  
 )  
 Robert K. Nerup, )  
 )  
 Respondent. )

Case No. 1900-95-001

DELEGATION TO HEARING OFFICER

On July 6, 1995, at a meeting convened to consider a petition for summary suspension in the above-entitled case, the Board of Marine Pilots adopted a motion to appoint a Department of Commerce & Economic Development hearing officer to conduct the hearing in this matter sitting alone in accordance with AS 08.01.075(c) and AS 44.62.450(a).

  
Chairman John Klepper

STATE OF ALASKA  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
DIVISION OF OCCUPATIONAL LICENSING  
P.O. BOX 11006  
JUNEAU, ALASKA 99811-0006

## MEMORANDUM

9/6/96

To: Leon Z. Katcharian, NTSB, Marine Division

From: Pete Christensen, Marine Pilot Coordinator

Subject: Robert K. Nerup, Alaska Marine Pilot, License No. SL-83

This is in reply to your faxed inquiry regarding the status of Captain Nerup's license.

On July 5, 1996, following the grounding of the M/V STAR PRINCESS, Captain Nerup's Alaska Marine Pilot license was summarily suspended.

On September 29, 1996, the Division of Occupational Licensing filed an Accusation seeking the revocation of Captain Nerup's state marine pilot license. On April 1, 1996 Captain Nerup entered into a Settlement Agreement with the division which was subsequently adopted by the Board of Marine Pilots. In the settlement agreement the parties agreed as follows:

1. Captain Nerup agrees to voluntarily surrender the state marine pilot license, No. AA 83, initially issued to him on December 9, 1980.
2. Captain Nerup acknowledges that, following the surrender of his license, he may no longer work as a state-licensed marine pilot anywhere in the state of Alaska.
3. Captain Nerup agrees that he will never again apply for a marine pilot license of any sort issued by the State of Alaska.
4. The Division agrees to dismiss, with prejudice, all license disciplinary proceedings arising from the grounding of the M/V STAR PRINCESS on June 23, 1995.

I hope the information above is helpful. If I can be of any further service please don't hesitate to contact me at (907) 465-2548.

Post-It Fax Note		16/1	Date	9/6/96	# of pages	1
To	Leon Katcharian		From	Pete Christensen		
Co./Dept.	NTSB Marine Division		Co.	Marine Pilot Coordinator		
Phone #	(202) 382-0675		Phone #	(907) 465-2548		
Fax #	(202) 382-0692		Fax #	(907) 465-2974		